

L Press Guidance  
June 10, 1994

RELEASED IN FULL

RWANDA: GENOCIDE

Q. What is genocide?

A. -- AS DEFINED IN THE 1948 GENOCIDE CONVENTION, THE CRIME OF GENOCIDE OCCURS WHEN CERTAIN ACTS ARE COMMITTED AGAINST MEMBERS OF A NATIONAL, ETHNIC, RACIAL OR RELIGIOUS GROUP WITH THE INTENT OF DESTROYING THAT GROUP IN WHOLE OR IN PART. THE RELEVANT ACTS INCLUDE KILLING, CAUSING SERIOUS BODILY OR MENTAL HARM AND DELIBERATELY INFLECTING CONDITIONS OF LIFE CALCULATED TO BRING ABOUT PHYSICAL DESTRUCTION OF THE GROUP.

Q. What is the distinction between saying that "acts of genocide may have occurred" and that "genocide has occurred?"

A. -- UNDER THE DEFINITION OF GENOCIDE CONTAINED IN THE 1948 CONVENTION, NOT ALL KILLINGS ARE GENOCIDE. AS THE UN HUMAN RIGHTS COMMISSION NOTED IN A RESOLUTION THAT THE UNITED STATES STRONGLY SUPPORTED, GENOCIDAL ACTS MAY HAVE OCCURED IN RWANDA.

-- ON MAY 25, THE UN HUMAN RIGHTS COMMISSION, WITH STRONG SUPPORT FROM THE UNITED STATES, APPOINTED A SPECIAL RAPPOREUR FOR RWANDA TO COMPILE INFORMATION ON POSSIBLE VIOLATIONS OF HUMAN RIGHTS AND ACTS WHICH MAY CONSTITUTE BREACHES OF INTERNATIONAL HUMANITARIAN LAW AND CRIMES AGAINST HUMANITY, INCLUDING ACTS OF GENOCIDE. HIS PRELIMINARY REPORT, WHICH IS DUE LATER THIS MONTH, WILL PROVIDE ADDITIONAL INFORMATION ABOUT HUMAN RIGHTS VIOLATIONS IN RWANDA.

Q. Do we avoid our legal obligations by saying that acts of genocide may have occurred instead of saying that genocide has occurred?

-- NO. UNDER THE CONVENTION, THE PROSECUTION OF PERSONS CHARGED WITH GENOCIDE IS THE RESPONSIBILITY OF THE COMPETENT COURTS IN THE STATE WHERE THE ACTS TOOK PLACE OR OF A COMPETENT INTERNATIONAL TRIBUNAL.

-- PARTIES TO THE CONVENTION MAY ALSO CALL UPON THE COMPETENT UN ORGANS TO TAKE APPROPRIATE ACTION TO PREVENT AND SUPPRESS ACTS OF GENOCIDE. THE ACTIONS OF THE UN SECURITY COUNCIL AND THE UN HUMAN RIGHTS COMMISSION'S DESIGNATION OF A SPECIAL RAPPOREUR ARE SUCH ACTIONS.